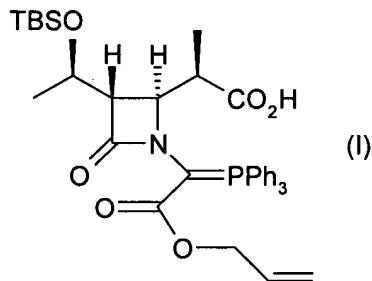


AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A crystal of a solvate of a compound of formula (I) or its salt or their solvate:



wherein TBS represents t-butyldimethylsilyl and Ph represents phenyl and the solvate is a hydrate, an alcoholate, an etherate or a solvate with an ester solvent.

2. (Currently Amended) The crystal according to claim 1, which is a crystal of [[a]] an alkyl acetate solvate of the compound of formula (I).

3. (Original) The crystal according to claim 1, which is a crystal of an ethyl acetate solvate of the compound of formula (I).

4. (Currently Amended) The crystal according to claim 1, comprising which exhibits a powder X ray diffraction pattern having peaks at at least the following diffraction angles (2θ) 10.2 ± 0.1 , 11.7 ± 0.1 , 17.0 ± 0.1 and 21.5 ± 0.1 degrees 2θ when measured using CuK α radiation.[[:]]

Diffraction angle (2θ) [°]

10.2 ± 0.1

11.7 ± 0.1

17.0 ± 0.1

21.5 ± 0.1

5. (Currently Amended) The crystal according to claim 4, comprising which exhibits a powder X ray diffraction pattern having diffraction peaks at at least the following diffraction angles (2θ) 10.2 ± 0.1 , 11.7 ± 0.1 , 11.9 ± 0.1 17.0 ± 0.1 and 21.5 ± 0.1 degrees 2θ when measured using CuK α radiation.[[::]]:

Diffraction angle (2θ) [°]

10.2 ± 0.1

11.7 ± 0.1

11.9 ± 0.1

17.0 ± 0.1

21.5 ± 0.1 .

6. (Original) The crystal according to claim 1, which can be obtained by precipitating a crystal from a solution of the compound of formula (I) dissolved in ethyl acetate.

7. (Original) The crystal according to claim 1, which is a crystal of a butyl acetate solvate of the compound of formula (I).

8. (Currently Amended) The crystal according to claim 1, comprising which exhibits a powder X ray diffraction pattern having diffraction peaks at at least the following diffraction angles (2θ) 9.3 ± 0.1 , 12.5 ± 0.2 , 13.7 ± 0.2 and 15.7 ± 0.2 degrees 2θ when measured using CuK α radiation.[[::]]

Diffraction angle (2θ) [°]

9.3 ± 0.1

12.5 ± 0.2

13.7 ± 0.2

15.7 ± 0.2 .

9. (Currently Amended) The crystal according to claim 8, comprising which exhibits a powder X ray diffraction pattern having diffraction peaks at at least the following diffraction angles (2θ) 8.0 ± 0.1 , 9.3 ± 0.1 , 9.8 ± 0.2 , 12.5 ± 0.2 , 13.7 ± 0.2 and 15.7 ± 0.2 degrees 2θ when measured using CuK α radiation.[[::]]

Diffraction angle (2θ) [°]

8.0 ± 0.1

9.3 ± 0.1

9.8 ± 0.2

12.5 ± 0.2

13.7 ± 0.2

15.7 ± 0.2

10. (Currently Amended) The crystal according to claim 1, comprising which exhibits a powder X ray diffraction pattern having diffraction peaks at at least the following diffraction angles (2θ) 5.7 ± 0.1 , 11.2 ± 0.2 , 13.9 ± 0.2 and 14.5 ± 0.2 degrees 2θ when measured using CuK α radiation.[[::]]

Diffraction angle (2θ) [°]

5.7 ± 0.1

11.2 ± 0.2

13.9 ± 0.2

14.5 ± 0.2

11. (Currently Amended) The crystal according to claim 10, comprising which exhibits a powder X ray diffraction pattern having diffraction peaks at at least the following diffraction angles (2θ) 5.7 ± 0.1 , 8.4 ± 0.1 , 10.3 ± 0.1 , 11.2 ± 0.2 , 13.9 ± 0.2 and 14.5 ± 0.2 degrees 2θ when measured using CuK α radiation.[[::]]

Diffraction angle (20) [°]

5.7 ± 0.1

8.4 ± 0.1

10.3 ± 0.1

11.2 ± 0.2

13.9 ± 0.2

14.5 ± 0.2.

12. (Currently Amended) The crystal according to claim 1, ~~which be obtainable obtained~~ by precipitating a crystal from a solution of the compound of formula (I) dissolved in butyl acetate or a mixture of butyl acetate with a solvent for crystallization.

13. (Currently Amended) The crystal according to claim 12, wherein said solvent for crystallization is n-hexane or n-heptane.

14. (Currently Amended) The crystal according to claim 1, ~~which be obtainable obtained~~ by dissolving the compound of formula (I) in a solvent selected from the group consisting of water, methanol, ethanol, propanol, isopropyl alcohol, n-butanol, diethyl ether, methyl acetate, propyl acetate, butyl acetate, and a mixture of any one of said solvents with a solvent for crystallization, and precipitating a crystal from the solution.

15. (Original) A process for producing a crystal according to claim 1, said process comprising dissolving the compound of formula (I) in a solvent selected from the group consisting of water, methanol, ethanol, propanol, isopropyl alcohol, n-butanol, diethyl ether, methyl acetate, propyl acetate, butyl acetate, and a mixture of any one of said solvents with a solvent for crystallization, and precipitating a crystal from the solution.

16. (Original) The process according to claim 15, wherein said solution and a separately provided solvent for crystallization are subjected to the procedure by a vapor diffusion method to precipitate a crystal.

17. (Original) The process according to claim 16, wherein said procedure by the vapor diffusion method comprises allowing said solution and a separately provided solvent for crystallization to stand separately in respective hermetically sealable vessels in a volume ration of 1:1 to 1:20.

18. (Currently Amended) The process according to ~~any one of claims~~ claim 15, wherein said solvent for dissolving the compound of formula (I) is selected from the group consisting of ethyl acetate, butyl acetate, and a mixture of any one of said solvents with a solvent for crystallization.

19. (Currently Amended) The process according to ~~any one of claims~~ claim 15, wherein said solvent for crystallization is selected from the group consisting of n-pentane, n-hexane, n-heptane, cyclohexane, petroleum ether, diisopropyl ether, and diethyl ether.

20. (Currently Amended) The process according to claim 19, wherein said solvent for crystallization is n-hexane or n-heptane.

21. (Currently Amended) The process according to ~~any one of claims~~ claim 15, comprising ~~wherein said solvent is one prepared by~~ dissolving a non-crystalline solid compound of formula (I) as the compound of formula (I) for dissolution in ~~said solvent~~ in ethyl acetate or butyl acetate, ~~further adding n-hexane or n-heptane, and cooling the mixture, and optionally isolating and vacuum drying the resultant solid matter.~~

22. (Canceled)